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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,051	10/30/2003	Brian R. Reynolds	1001.1716101	1188

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EXAMINER	
HOEKSTRA, JEFFREY GERBEN	
ART UNIT	PAPER NUMBER
3736	

MAIL DATE	DELIVERY MODE
08/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/699,051	REYNOLDS ET AL.	
	Examiner	Art Unit	
	JEFFREY G. HOEKSTRA	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,21,22 and 24-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,21,22 and 24-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/07/2008 has been entered.

Notice of Amendment

2. In response to the amendment filed on 08/07/2008, amended claim(s) 1, 3, 4, 7-9, 21, and 22 and new claim(s) 32-34 is/are acknowledged. The current rejections of the claim(s) 1-12, 21, 22, and 24-31 is/are *withdrawn*. The following new and reiterated grounds of rejection are set forth:

Claim Objections

3. Claims 1 and 3 are objected to because of the following informalities: the first positive recitations of “the final medical device” appear to lack antecedent basis and may render the claims indefinite. Appropriate correction is required. The Examiner notes Applicant may have intended to positively recite “a final medical device”, “the medical device”, or the like.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12, 21, 22, and 24-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sharrow (US 2004/0167438 A1).

6. The Examiner notes Sharrow (US 2004/0167438 A1) incorporates by reference (Sharrow paragraphs 24, 34, and 41), the following:

- Zhou et al. (US 2004/0143239 A1, hereinafter Zhou),
- Reynolds et al. (US 2004/0167441 A1, hereinafter Reynolds_1),
- Nguyen et al. (US 5,772,609, hereinafter Nguyen),
- Palermo (US 6,139,510),
- Skujins et al. (US 6,918,882 B2, hereinafter Skujins), and
- Reynolds et al. (US 7,074,197 B2, hereinafter Reynolds_2).

7. For claims 1-12, 21, 22, and 24-34, Sharrow discloses a method for manufacturing an intracorporeal medical device (10), comprising the steps of:

- providing an elongate core member (14) having a proximal region (16) and a distal region (18) (paragraphs 16-28) (as best seen in Figure 2);

- distally and/or proximally disposing a smooth thermoplastic polymer jacket (20) over said elongate core member (paragraphs 29-31) (as best seen in Figure 2), the polymer jacket having a substantially smooth outer surface (paragraphs 29-31);
- winding in tension a coil (12) (the conventional winding technique as positively recited in paragraph 36) including fluorocarbon materials (the high performance PTFE polymer positively recited in paragraphs 30 and 36) (see specification page 7 lines 1-2) over the outer surface of said polymer jacket (paragraphs 32-39), wherein the coil includes an outer fluorocarbon-containing coating (paragraphs 32-39) (the high performance PTFE polymer positively recited in paragraphs 30 and 36) (see specification page 7 lines 1-2), wherein the coil includes a central metallic core material and an outer coating surrounding the central core material (paragraphs 35, 36, and 39) (Zhou paragraphs 29-31, 38, and 56);
- heating said polymer jacket (paragraphs 36-38), relieving the tension within the coil is relieve and the coil (paragraphs 36-38), and embedding the coil in said polymer jacket (paragraphs 36-38), wherein in the heating/tension-relieving/embedding the coil moves radially inward into the polymer jacket and a portion of the outer surface of the polymer jacket wicks outward between the adjacent windings of the coil (paragraphs 36-38), thereby altering the shape of the outer surface of the polymer jacket (paragraphs 36-38) and providing an outer surface of the polymer jacket relative to the coil that has desirable flexibility

characteristics in the intracorporeal medical device (paragraphs 2, 3, and 37); and

- disposing a covering (22) over said jacket/coil member (paragraph 41),
- wherein the intracorporeal medical device is manufactured to include an outermost surface (412a) having a helical ridge extending around a circumference of the outermost surface formed at least in part by the coil (as best seen in Figure 6) (paragraphs 46-47).

Response to Arguments

8. Applicant's arguments with respect to claims 1-12, 21, 22, and 24-34 have been considered but are moot in view of the new ground(s) of rejection, wherein the new ground(s) of rejection relies upon a different interpretation of previously applied prior art applied to amended and new claims. However in the interest of advancing prosecution and in lieu of previously applied prior art, the Examiner notes the following:

9. Applicant's arguments filed 08/07/2008 have been fully considered but they are not persuasive. Applicant argues the anticipatory rejection of the claims under Sharrow, specifically arguing Sharrow does not disclose, teach, and/or fairly suggest the following: (a) the intracorporeal medical device is manufactured to include an outermost surface having a helical ridge extending around a circumference of the outermost surface formed at least in part by the coil or (b) the central core material is a metallic material. The Examiner disagrees, maintains the rejection as set forth above, and notes in response the following:

10. In response to Applicant's argument (a), the Examiner notes Sharrow discloses the intracorporeal medical device is manufactured to include an outermost surface (412a) having a helical ridge extending around a circumference of the outermost surface formed at least in part by the coil (as best seen in Figure 6) (paragraphs 46-47).

11. In response to Applicant's argument (b), the Examiner notes Sharrow discloses the coil includes a central metallic core material and an outer coating surrounding the central metallic core material (paragraphs 35, 36, and 39) (Zhou paragraphs 29-31, 38, and 56).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY G. HOEKSTRA whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J.H./
Jeff Hoekstra
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736